

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

VIRGINIA

Emerson Creek Pottery, Inc.

EXHIBIT AND WITNESS LIST

V.

Emerson Creek Events, Inc., et al.

Case Number: 6:20CV00054

PRESIDING JUDGE Hon. Norman K. Moon					PLAINTIFF'S ATTORNEY Garfield Goodrum & Henry Willett	DEFENDANT'S ATTORNEY Ken McLaughlin & Larry Laubscher
TRIAL DATE (S) 2/22/2022 - 2/25/2022					COURT REPORTER Judy Webb & Lisa Blair	COURTROOM DEPUTY Carmen Amos
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
49		2/22/2022		Yes	"The Name Emerson Creek" - May 2, 2019 (J. Leavitt)	
48		2/22/2022		Yes	"Handmade Ceramic Pottery Made in Bedford, Virginia" - May 2, 2019 (J. Leavitt)	
47		2/22/2022		Yes	Historical Emerson Creek Pottery materials (J. Leavitt)	
2		2/22/2022		Yes	Emerson Creek Pottery 2018 Catalog (J. Leavitt)	
237		2/22/2022		Yes	"Our Favorite Shortbread Molds to Buy Now" - Martha Stewart, February 18, 2022 (J. Leavitt)	
53		2/22/2022		Yes	The White House Facebook post re Emerson Creek Pottery (J. Leavitt)	
1		2/22/2022		Yes	Emerson Creek Pottery - pottery exemplars (J. Leavitt)	
222		2/22/2022		Yes	"Emerson Creek" (J. Leavitt)	
228		2/22/2022		Yes	Photographs of Emerson Creek Pottery in Bedford, Virginia (J. Leavitt)	
57		2/22/2022		Yes	Agreement between Ron Wehrli and Emerson Creek Pottery 3/23/01 (J. Leavitt)	
87		2/22/2022		Yes	Metadata for Ron Wehrli Agreement (J. Leavitt)	
11		2/22/2022		Yes	Emerson Creek Pottery Oswego location photographs - 2002 (J. Leavitt)	
22		2/22/2022		Yes	Emails between Demiduks and Jim Leavitt - July 2005 to May 2008 (J. Leavitt)	
89		2/2/2022		Yes	Emails between Chris Barickman and Emerson Creek, 9/27/2006 - 6/30/2007 (J. Leavitt)	
196		2/22/2022		Yes	2008.10.20 email from Chris Barickman to Jim Leavitt re hello (J. Leavitt)	
195		2/22/2022		Yes	2008.09.04 email from Chris Barickman to Jim Leavitt re hello (J. Leavitt)	
194		2/22/2022		Yes	2009.06.12 email from Jim Leavitt to Chris Barickman re hello (J. Leavitt)	
174		2/22/2022		Yes	2008.04.10 email from Jim Leavitt to Chris Barickman re thanks for checking (J. Leavitt)	
12		2/22/2022		Yes	Emerson Creek Pottery photos and mailing envelope - May 2002 and Pre-May 1, 2004 (J. Leavitt)	
182		2/22/2022		Yes	2008.03.28 email from Jim Leavitt to Chris Barickman re call (J. Leavitt)	
178		2/22/2022		Yes	2008.03.28 email from Jim Leavitt to Chris Barickman re call (J. Leavitt)	
79		2/22/2022		Yes	Emerson Creek Pottery & Tearoom post re flower pot salad 7/22/2021 (J. Leavitt)	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

***NOTE: Dates offered are also date exhibits were admitted.**

EXHIBIT AND WITNESS LIST – CONTINUATION

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179		2/22/2022		Yes	2007.08.02 email from Jim Leavitt to Chris Barickman re flower pots (J. Leavitt)
238		2/22/2022		Yes	2015.03.05 email from ECP to Chris Demiduk re flower pots without holes (J. Leavitt)
199		2/22/2022		Yes	2008.01.14 email from Chris Barickman to Jim Leavitt re hi (J. Leavitt)
225		2/22/2022		Yes	ECP Invoices (J. Leavitt)
192		2/22/2022		Yes	2009.04.22 email from Chris Barickman to Jim Leavitt re hi (J. Leavitt)
203		2/22/2022		Yes	2009.06.12 email from Chris Barickman to Jim Leavitt re hello (J. Leavitt)
204		2/22/2022		Yes	2009.05.11 email from Jim Leavitt to Mariam & Jon Liam Ellis-Lorditch re my website (J. Leavitt)
14		2/22/2022		Yes	Website capture from 10/17/2009 - ecreekpotteryandtearoom.com/pottery (J. Leavitt)
15		2/22/2022		Yes	Website capture from 10/17/2009 - ecreekpotteryandtearoom.com/about (J. Leavitt)
193		2/22/2022		Yes	2008.02.18 email from Chris Barickman to Jim Leavitt re sheet (J. Leavitt)
235		2/22/2022		Yes	Photos of Emerson Creek - Day in the Country (J. Leavitt)
198		2/22/2022		Yes	2012.05.02 email from Jim Leavitt to Chris Demiduk re Google Maps Problem (J. Leavitt)
82		2/22/2022		Yes	2012.05.17 email from Chris Demiduk to Jim Leavitt re map (J. Leavitt)
202		2/22/2022		Yes	2013.01.03 email from Jim Leavitt to Chris Demiduk re your call (J. Leavitt)
16		2/22/2022		Yes	Website capture from 5/11/2012 - ecreekpotteryandtearoom.com/aboutus (J. Leavitt)
171		2/22/2022		Yes	2014.12.03 email from Chris Demiduk to Jim Leavitt re let's talk (J. Leavitt)
232		2/22/2022		Yes	Emerson Creek Pottery, Inc. PTO Registration (J. Leavitt)
3		2/23/2022		Yes	Emerson Creek Pottery & Tearoom Cookbook (J. Leavitt)
229		2/23/2022		Yes	YouTube: Emerson Creek Pottery Product of the Week 7/13/2010 Video (J. Leavitt)
8		2/23/2022		Yes	"Out-of-way pottery show finds a following" 7/3/2002 - Chicago Tribune (J. Leavitt)
17		2/23/2022		Yes	Website capture from 3/1/2017 - ecreekpotteryandtearoom.com/about-us (J. Leavitt)
45		2/23/2022		Yes	Emails between parties - January 2017 through May 2019 (J. Leavitt)
66		2/23/2022		NO	2017.09.19 letter from Mr. McLaughlin to Mr. Goodrum (J. Leavitt)
65		2/23/2022		Yes	Sept. 2017 Photos (J. Leavitt)
9		2/23/2022		Yes	Emerson Creek Pottery & Tearoom website - 2/5/2018 (J. Leavitt)
234		2/23/2022		Yes	Emerson Creek Cafe "360 Tour of our Cafe" (J. Leavitt)
13		2/23/2022		Yes	Wedding photograph surrounded by pottery capture from 8/5/2021 (J. Leavitt)

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20		2/23/2022		Yes	Christina Demiduk LinkedIn profile 5/5/2019 (J. Leavitt)
108		2/23/2022		Yes	2021.11.04 email from Mike Ryan to Emerson Creek Pottery re ECP (J. Leavitt)
	4	2/23/2022		Yes	Email - 8/10/2005 (J. Leavitt)
	41	2/23/2022		Yes	Emerson Creek Pottery envelope and photographs (J. Leavitt)
	43	2/23/2022		Yes	Website 10/17/2009 (J. Leavitt)
	45	2/23/2022		Yes	Website 5/11/2012 (J. Leavitt)
	66	2/23/2022		Yes	Emerson Creek Pottery & Tearoom Facebook Post (J. Leavitt)
	39	2/23/2022		Yes	Emerson Creek Website (J. Leavitt)
	1	2/23/2022		Yes	Emerson's Vintage Market (J. Leavitt)
240		2/23/2022		Yes	Current Emerson Creek Pottery Website (J. Leavitt)
72		2/23/2022		Yes	2018.03.05 email from TC Leavitt to Jim Leavitt (T. Leavitt)
106		2/23/2022		Yes	2021.11.04 email from Mike Ryan to Emerson Creek Pottery re ECP (T. Leavitt)
10		2/23/2022		Yes	Las Vegas Market Winter 2018 (T. Leavitt)
105		2/23/2022		Yes	Emerson Creek Events Instagram posts (E. Leavitt)
23		2/23/2022		Yes	Instagram hashtags - 7/22/2021 (E. Leavitt)
241		2/23/2022		Yes	Bennington Potters (competitor) (E. Leavitt)
242		2/23/2022		Yes	Bennington Potters Midnight Madness 2019 (E. Leavitt)
76		2/23/2022		Yes	Indicators of Confusion (E. Leavitt)
73		2/23/2022		Yes	Emerson Creek Pottery & Tearoom Yelp photographs - 5/2/2019 (E. Leavitt)
74		2/23/2022		Yes	Emerson Creek Pottery & Tearoom Yelp reviews (E. Leavitt)
132		2/23/2022		Yes	2019.03.08 email from Emerson Creek to Lindsay Winkler re Changing website hosts (Winkler)
141		2/23/2022		Yes	2021.04.08 email from Emerson Creek to Winkler re remove photo (Winkler)
162		2/23/2022		Yes	2019.04.24 email from Winkler to Emerson Creek re website updates (Winkler)
41		2/23/2022		Yes	2019.04.23 email between Demiduks and Winkler re URL (Winkler)
39		2/23/2022		Yes	Texts between Chris Demiduk and Winkler 4/24/2019 - 10/3/2019 (Winkler)
	55	2/23/2022		Yes	Email website issues (Winkler)
	62	2/23/2022		Yes	Marketing expenses 1 (Winkler)

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	63	2/23/2022		Yes	Marketing expenses 2 (Winkler)
21		2/23/2022		Yes	Illinois SCC for Countryview Pottery (D. Demiduk)
32		2/23/2022		Yes	2017 Mud Pie ceramic sales (D. Demiduk)
34		2/23/2022		Yes	2017 Sales Signature Housewares (D. Demiduk)
33		2/23/2022		Yes	2017 Mud Pie - no ceramic sales (D. Demiduk)
30		2/23/2022		Yes	Emerson Creek Pottery and Tearoom Tax Category Summary (D. Demiduk)
84		2/24/2022		Yes	July 2021 Photos (D. Demiduk)
37		2/24/2022		Yes	Restaurant sales-by-date-may1-dec31-2017 (D. Demiduk)
38		2/24/2022		Yes	Restaurant sales-by-date-may1-dec31-2019 (D. Demiduk)
60		2/24/2022		Yes	Screenshots of Emerson Creek Events Instagram posts 5/16/17 & 5/24/17 (D. Demiduk)
61		2/24/2022		Yes	"Oswego: Outdoor recreation meets charming local businesses" 6/14/2017 (D. Demiduk)
63		2/24/2022		Yes	"Emerson Creek is about more than pottery" 7/15/2015 (D. Demiduk)
70		2/24/2022		Yes	Emerson Creek Pottery & Tearoom 2016.09.30 Facebook post (D. Demiduk)
71		2/24/2022		Yes	Emerson Creek Pottery & Tearoom 2016.08.04 Facebook post (D. Demiduk)
78		2/24/2022		Yes	Emerson Creek Pottery & Tearoom Facebook posts showing pottery (D. Demiduk)
75		2/24/2022		Yes	Emerson Creek Pottery & Tearoom Trip Advisor reviews (D. Demiduk)
55		2/24/2022		Yes	Trademark/Service Mark Application, Principal Register 2018 (D. Demiduk)
56		2/24/2022		Yes	2018.01.02 USPTO Office Action about Applications Trademark Applications (D. Demiduk)
223		2/24/2022		Yes	Townsend Belisle CV (Belisle)
224		2/24/2022		Yes	Exhibits to Townsend Belisle's Report (Belisle)
236		2/24/2022		Yes	Exhibits to Declaration of Townsend Belisle in Support of Plaintiff's MSJ (Belisle)
4		2/24/2022		Yes	You Tube: Emerson Creek Pottery "Day in the Country" Video (---)
5		2/24/2022		Yes	Emerson's Vintage Market - 2019 (---)
6		2/24/2022		Yes	Emerson's Vintage Market - Vendor Information (---)
7		2/24/2022		Yes	Emerson Creek Look Book (---)
109		2/24/2022		Yes	Text Messages between Karla and Lindsay Winkler (---)
133		2/24/2022		Yes	2019.11.04 email from Winkler to Emerson Creek re wedding folder update (---)

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142		2/24/2022		Yes	2021.06.16 email from Emerson Creek to Jonathan Domanus and Winkler re website trouble (---)
243		2/24/2022		Yes	Discovery Designations _ Tab 1 (---)
244		2/24/2022		Yes	Discovery Designations _ Tab 2 (---)
245		2/24/2022		Yes	Discovery Designations _ Tab 3 (---)
246		2/24/2022		Yes	Discovery Designations _ Tab 4 (---)
247		2/24/2022		Yes	Discovery Designations _ Tab 5 (---)
248		2/24/2022		Yes	Discovery Designations _ Tab 6 (---)
249		2/24/2022		Yes	Discovery Designations _ Tab 7 (---)
250		2/24/2022		Yes	Discovery Designations _ Tab 8 (---)
251		2/24/2022		Yes	Discovery Designations _ Tab 9 (---)
252		2/24/2022		Yes	Discovery Designations _ Tab 10 (---)
253		2/24/2022		Yes	Discovery Designations _ Tab 11 (---)
254		2/24/2022		Yes	Discovery Designations _ Tab 12 (---)
	46	2/24/2022		Yes	Website - March 1, 2017 (C. Demiduk)
	40	2/24/2022		NO	Emerson Creek Pottery shop photographs (duplicate of Plaintiff's Ex. 11) (C. Demiduk)
	3	2/24/2022		Yes	Email - July 23, 2005 (C. Demiduk)
	5	2/24/2022		Yes	Email - August 10, 2005 (C. Demiduk)
	6	2/24/2022		Yes	Email - September 26, 2005 (C. Demiduk)
	23	2/24/2022		Yes	Email - May 22, 2007 (C. Demiduk)
	12	2/24/2022		Yes	Email - January 5, 2006 (C. Demiduk)
	13	2/24/2022		Yes	Email - January 5, 2006 (C. Demiduk)
	25	2/24/2022		Yes	Email - November 25, 2007 (C. Demiduk)
	26	2/24/2022		Yes	Email - January 21, 2008 (C. Demiduk)
	29	2/24/2022		Yes	Email - February 18, 2008 (C. Demiduk)
	65	2/24/2022		Yes	Signature Plate (C. Demiduk)
	51	2/24/2022		Yes	Emails - June 12, 2009 (C. Demiduk)
	44	2/24/2022		Yes	Website - October 17, 2009 (C. Demiduk)

